

# CITY OF SAN BRUNO



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## STAFF

Tambri Heyden, AICP, *Community Development Director*  
Aaron Aknin, AICP, *Planning Manager*  
Mark Sullivan, AICP, *Housing and Redevelopment Manager*  
Beilin Yu, *Associate Planner*  
Tony Rozzi, *Assistant Planner*  
Lisa Costa-Sanders, *Contract Planner*  
Cathy Hidalgo, *Recording Secretary*  
Pamela Thompson, *City Attorney*

## PLANNING

### COMMISSIONERS

Sujendra Mishra, *Chair*  
Rick Biasotti, *Vice-Chair*  
Commissioners:  
Mary Lou Johnson  
Bob Marshall Jr.  
Perry Petersen  
Kevin Chase  
Joe Sammut

## COMMUNITY DEVELOPMENT DEPARTMENT

### PLANNING COMMISSION MINUTES

**February 21, 2006**

San Bruno Senior Center  
1555 Crystal Springs Blvd.  
7:00 P.M. to 10:00 P.M.

**CALL TO ORDER at 7:00 pm.**

### **ROLL CALL**

	<u>Present</u>	<u>Absent</u>
Chair Mishra	X	
Vice Chair Biasotti	X	
Commissioner Chase		X
Commissioner Johnson	X	
Commissioner Marshall	X	
Commissioner Petersen	X	
Commissioner Sammut	X	

### **STAFF PRESENT:**

Planning Division: Community Development Director: Tambri Heyden  
Planning Manager: Aaron Aknin  
Associate Planner: Beilin Yu  
Assistant Planner: Tony Rozzi  
Community Dev. Recording Secretary: Cathy Hidalgo  
City Attorney: Pamela Thompson

Pledge of Allegiance: Community Dev. Recording Secretary: Cathy Hidalgo

### **1. Approval of Minutes – February 7, 2006**

**Motion to Approve Minutes of February 7, 2006 Planning Commission meeting.**

**Johnson/Biasotti**

VOTE: 6-0  
AYES: All Commissioners Present  
NOES:  
ABSTAIN:

Commissioner Chase is now present.

**2. Communication**

None at this time.

**3. Public Comment**

None at this time.

**4. Announcement of Conflict of Interest**

None

**5. 1255 Jenevein Avenue**

**Request for an additional Use Permit to allow a large family day care operation in a single-family residential zone per Section 12.84.200 of the San Bruno Zoning Ordinance. Tonya and Nick Katches (Applicant / Owners). UP-05-78**

*Planning Manager Akin* entered staff report. Planning Manager Akin concluded that there are two errors on the Staff Report. The small daycare hours stated are from 7am to 5pm, correction should be 7am – 6pm and there also should be a note on Condition of Approval 4 that the parent's can also utilize the adjacent driveway with the property owner's approval.

Staff Recommends approval of Use Permit 05-78, based on Findings of Fact 1-6 and Conditions of Approval 1-18.

*Chair Mishra* asked Commission if there were any questions for staff.

*Commissioner Marshall:* Regarding drop off in Neighbors property. Does that have to be attached to their property somehow if they ever were to sell the property or lease it?

*Planning Manager Akin:* It's a fallback plan to park in that driveway. As long as they have their adjacent neighbors permission, they could use it to park their own car or park one of the parent's cars. It won't be necessary for the overall approval as there is room to park the cars on the street there and in their driveway and they do have their own garage to park a car as well. The adjacent driveway is more of a fallback plan than something that needs approval.

*Commissioner Marshall:* If we approve it with that idea, we should probably not have it in the conditions because if the neighbor were to sell the property or change their mind it would not be formally linked to this property. Additionally, the driveway where they say the employee parking is going to be is only 11 feet long, correct?

*Planning Manager Akin:* Responded that he thinks it's a little longer than 11 feet.

*Commissioner Marshall:* Responded 11 feet, 6 inches on the site plan.

*Planning Manager Akin:* Responded it might be a little longer with the public right of way and go up to 14 feet. It is short but fortunately the street has a lot of parking. Both times he visited them there was no impact on the parking.

*Commissioner Johnson:* Questioned if applicant submitted any of their literature to indicate their schedule throughout the day?

*Planning Manager Akin:* Responded, no they did not. What the applicant did submit was that one page letter that states the age of the school children and the hours of operation. That is attached to Exhibit C.

*Commissioner Johnson:* Responded that she did see that. Questioned that sometimes neighbors come and go and noise levels and parking issues are the biggest ticket items. If there is a schedule attached, often times it is a way to look at their schedule and say 'you indicated that you were going to be resting during this period of time and outdoors during this period of time'. Commissioner Johnson added that she would ask this question of the applicant.

*Commissioner Petersen:* Minor point on condition number 3, the second sentence says *Neighborhood noise complaints could result in this application being called back up to the Planning Commission for revocation*; the word 'back up' could be omitted and it would still have good meaning and it actually has incorrect connotation. The reason I bring this up is I see this off and on and lately think it would be good to avoid.

*Planning Manager Akin:* Answered in agreement.

*Chair Mishra* asked the applicant to address the Commission and introduce the project.

*Applicant:* Applicant introduced herself as Tonya Katches. She is asking to expand her daycare from 8 children, which she is licensed for, up to 14 children. She has 4 children of her own and has a dual license for Foster Children. At any given time she has between two and ten foster children, and they also count as her numbers for daycare. Also she has 2 sets of siblings that come in. She wants to increase so she can keep her own kids in her house during day care hours. Currently she has someone else watching them so that she can take care of other people's kids.

*Commissioner Johnson:* Stated to the applicant that she indicated there are 4 of her own children, 2 foster children, a total of 6 children so there could be a potential for an additional 8 children in the program.

*Applicant:* Responded in the affirmative.

*Commissioner Johnson:* Asked applicant how many children she currently was serving?

*Applicant:* Responded that on any given day, there are 3 children, none on Friday, except her own children. Mon-Tues has 6 children and someone else has her children. Most of her daycare children are part time. Her numbers vary.

*Commissioner Johnson:* Questioned, so your children would not be over and above those numbers, your capacity would be fourteen?

*Applicant:* Responded in the affirmative.

*Commissioner Johnson:* Questioned applicant about their daily schedule. Typically we receive with the Application the daily activities. It is not uncommon for neighbors to have comments. This alleviates some of those issues because then they can say this is the schedule and they are not adhering to that schedule. Can you submit one to the planning department?

*Applicant:* Responded that she doesn't have an actual schedule with her. Our outside time, which would be the noisiest time is from 10:30-11:30, and then again from 3:00pm to about 4:30pm.

*Commissioner Johnson:* There are various types of equipment that can be outside; wheels that are plastic can be very loud on concrete.

*Applicant:* All equipment is on grass. We have a slide outside and two cars that can be ridden on the grass. There is only one small area of pavement.

*Commissioner Johnson:* Questioned if the children will be in the front yard.

*Applicant:* Responded in the affirmative and the area is gated.

*Commissioner Petersen:* The traffic on Jenevein sometimes gets fast, are you recommending now for parents only to drop off children on your side of the street.

*Applicant:* Responded yes. So far, all the kids are dropped off either in the driveway, the neighbor's driveway or in front of my house. Up until now, she has never had any parents park across the street.

*Commissioner Petersen:* I don't see it as a condition where they should be dropped off, but for safety reasons, it should be recommended. Commissioner Petersen is not recommending it as a condition for approval, but when traffic is in a hurry they sometimes don't see who is there.

*Commissioner Chase:* It does appear to be condition number 4 as far as dropping off and picking up children from the home, they must park in the driveway.

*Commissioner Petersen:* To Commissioner Chase, do you propose that be made mandatory?

*Commissioner Chase:* Not mandatory, but it is in the conditions of approval.

*Commissioner Petersen:* It doesn't say mandatory, I was asking to see if that was the general intention.

*Applicant:* Responded the intention is to use my driveway and my neighbor at 1293 Jenevein driveway, which is directly next-door.

*Commissioner Johnson:* Indicated she went by the residence and didn't note the height of fence in front.

*Applicant:* Responded she believes it is 4 feet, they are supervised by her at all times. She is required to supervise.

*Chair Mishra:* Statement regarding Condition Number 4, the statement says *Parents and guardians dropping off and picking up children from the home must park on the driveway when picking up and dropping off their children. In the event the driveway is not available, the parents shall use the parking area directly in front of the home;* the word "shall" indicates that it is a mandatory item condition of approval.

Public Comment opened.

Public Comment closed.

*Commissioner Marshall:* Proposed findings of fact number 4 about parking in the neighbor's driveway are removed. Don't want to have a problem later on since the neighbor said it could be used. On the final plans, Employee parking should be taken out of the driveway description since it only is an 11-foot driveway and we are saying we only want them to park in a driveway that isn't long enough for a car.

**Motion to approve Use Permit 05-78, based on Findings of Fact 1-6 and Conditions of Approval 1-18 with comments as above.**

**Commissioner Marshall/Biasotti**

VOTE: 7-0  
AYES: All Commissioners Present  
NOES:  
ABSTAIN:

### **FINDINGS FOR APPROVAL**

1. Notice of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.
2. The request to operate a large family day care home at the house located at 1255 Jenevein Avenue meets the locational standards, as it is located in a residential district.
3. The request to operate a large family day care home at the house at 1255 Jenevein Avenue will not result in undue negative impacts upon the neighborhood vicinity in terms of traffic, parking, and noise given parent and applicant parking arrangements, proposed horn restrictions and outside play area supervision.
4. The subject property provides for a driveway for at least two vehicles to enable parents adequate space to pickup and drop off their children safely. This is supplemented by arrangement with the neighbor for use of the neighbor's driveway.
5. The existing home complies with applicable off-street parking standards of the zoning code since the subject property contains an attached two car garage
6. Based on a site inspection by the Fire Department staff, with the conditions of approval, the existing home complies with applicable building and fire code provisions.

### **CONDITIONS FOR APPROVAL**

#### **Community Development Department - (650) 616-7074**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Community Development Department within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 05-78 shall not be valid for any purpose.

2. The request for a use permit for a large family day care home at 1255 Jenevein Avenue shall operate according to plans approved by the Planning Commission on February 21, 2006, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
3. Parents and guardians dropping off and picking up children from the home shall be directed to not honk their car horn. Neighborhood noise complaints could result in this application being called back up to the Planning Commission for revocation.
4. Parents and guardians dropping off and picking up children from the home must park on the driveway when picking up and dropping off their children. In the event the driveway is not available, the parents shall use the parking area directly in front of the home.
5. Prior to final inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. Children shall be supervised when outdoors to control noise levels.
7. The applicant shall obtain a license from the State of California to operate a large home family day care center.
8. The number of children shall be limited to a maximum of fourteen (14) at any one time, including any of the applicant's own children.
9. Children outdoors shall be supervised at all times.

**Fire Department - (650) 616-7096**

10. Provide minimum 4" illuminated address numbers.
11. Provide a pull station with a horn and strobe. Obtain fire alarm permit from City Building Division.
12. Provide smoke detectors in all bedrooms and exit corridors/hallways.
13. Provide one fire extinguisher, minimum 2A 10 BC, per floor.
14. No secondary locking devices are permitted on doors.
15. Provide second exit with signage and a minimum 36" wide path to a public way.
16. The garage is to be used for vehicle parking only.
17. Verify rooms the children will have access to on the floor plan. Rooms must be "child proofed" condition.
18. Provide copy of Community Care Licensing exit plan with all above conditions noted on plans.

**Chair Mishra advised of a 10-day appeal period.**

## **6. 440 Cherry Avenue**

Request for a Use Permit to allow the construction of an addition to an existing residence which increases the gross floor area by more than 50% and whose second story is not set back at least five feet farther than the front setback of the first story, and a Variance to allow the addition to extend the existing zero side yard setback per Sections 12.200.030.B.1, 12.200.040.B.2 and 12.124 of the San Bruno Zoning Ordinance.

Robert Medan. (Applicant); Bernie and Dorothy Hyde (Owners). **UP-05-80; V-05-08**

*Planning Manager Aknin* entered staff report.

Staff recommends approval of Use Permit 05-80 and Variance 05-08 based on Findings of Fact 1-7 and Conditions of Approval 1-13.

*Chair Mishra* asked Commission if there were any questions for staff.

*Chair Mishra* asked the applicant to address the Commission and introduce the project.

*Applicant:* Robert Medan, Architect, and owner were present. Stated that he agrees with staff report. The reason for starting this project was basically not being able to access the garage, too steep of a grade and the owner has the desire to have his automobile parked off site. We took advantage of what we felt was a compelling reason to re-do the garage and at the same time work within the existing bulk of the house and provide an additional living area. This is the solution we came up with and fortunately our neighbors are in agreement with us and support us.

*Commissioner Sammut:* Stated that at arc review, you were asked to bring color material samples tonight.

Samples available and distributed to Planning Commission from Staff.

Public Comment opened.

Public Comment closed.

**Motion to approve Use Permit 05-80 and Variance 05-08 based on Findings of Fact 1-7 and Conditions of Approval 1-13.**

**Commissioner Johnson/Marshall**

VOTE: 7-0

AYES: All Commissioners Present

NOES:

ABSTAIN:

## **FINDINGS FOR APPROVAL**

1. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
2. The general appearance of the proposed addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the materials found in the immediate neighborhood and the proportions of the house are similar to other houses in the neighborhood.

3. Because the proposed addition along the west property line will only be slightly higher than the existing garage structure, the proposal will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
4. The construction of the addition is consistent with the San Bruno General Plan, which designates the property for single-family residential purposes.
5. The off-street parking is adequate for the proposed residence.
6. The subject property is narrower than the minimum lot width required by the City's zoning code and therefore the strict application of this article will deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.
7. An access from the garage to the rear yard is a practical feature existing in other homes in the vicinity. Therefore, the granting of the Variance will not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity.

### **CONDITIONS FOR APPROVAL**

#### **Community Development Department – (650) 616-7074**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Community Development Department within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 05-80 and Variance 05-08 shall not be valid for any purpose. Use Permit 05-80 and Variance 05-08 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.
3. The request for a Use Permit and Variance for an addition shall be built according to plans approved by the Planning Commission on February 21, 2006, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to final inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.

6. The residence shall be used only as a single-family residential dwelling unit. No portion of the residence shall be rented out as a secondary residential dwelling unit.
7. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.

**Department of Public Works – (650) 616-7065**

8. The applicant must obtain an encroachment permit through the Public Works Department prior to issuance of the Building Permit.
9. Storm water from new and existing roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through a curb drain to the gutter. Drain to landscape allowed.
10. No fence, retaining wall or other permanent structure shall be placed within 2'-0" from back of the sidewalk.
11. Replace all broken or raised concrete in sidewalk or driveway approach as marked per San Bruno Municipal Code 8.12.010, City Standards 7 & 8.
12. Planting of one (1) 36-inch box size tree or payment of equal value to tree fund for tree(s) and installation.
13. During the Building/Planning Review or site visit, it was noticed that you have brickwork built within the City public right-of-way. In accordance with San Bruno City Code Section 8.08.010 and or Section 5.04.070, this structure is prohibited. You are not required to remove it at this time, you need to be aware that it may be located over top of a public utility. If an emergency does arise that requires City or approved contractor crews to access this utility, the City and or contractor, will not be responsible for any cost associated with the removal or repair of the structure.

**Chair Mishra advised of a 10-day appeal period.**

**7. 83 Tanforan Avenue**

Request for a Use Permit to allow the construction of an addition which increases the gross floor area by more than 50% and exceeds the 44% lot coverage guideline and a request for a Minor Modification to encroach 2'-0" into the required 5'-0" side yard setback per Sections 12.200.030.B.1, 12.200.030.B.3, and 12.120.010.B of the San Bruno Zoning Ordinance. Ken Ibarra (Applicant); Lawrence Valdez (Owner). **UP-05-72, MM-06-01**

*Associate Planner Yu* entered staff report.

Staff recommends approval of Use Permit 05-72 and Minor Modification 06-01 based on Findings of Fact 1-8 and Conditions of Approval 1-12.

*Chair Mishra* asked Commission if there were any questions for staff.

*Commissioner Marshall:* Question on 3-foot setback, the property left to that, that is the rear yard of those properties, correct?

*Associate Planner Yu:* Responded in the affirmative.

*Commissioner Marshall:* Questioned the reason we are granting it is because they will have a larger setback from both parcels also and it will just be a standard setback 3' to 5' from the neighbors, correct?

*Associate Planner Yu:* Responded in the affirmative.

*Chair Mishra* asked the applicant to address the Commission and introduce the project.

*Applicant:* Lawrence Valdez, property owner. Planning to do an expansion in back and bring the garage to the front of the property. Read report and agrees with it. One of the recommendations from his last meeting was to speak to the neighbors, which he did and they have no questions or comments.

*Chair Mishra* asked Commission if there were any questions for Applicant.

Public Comment opened.

Public Comment closed.

*Chair Mishra* asked Commission if there was any discussion.

*Commissioner Petersen:* Question to staff: it says in the existing conditions, there are two covered spaces and it looks as if there is actually one. In fact, applicant is adding a new garage that will hold two cars and that is actually beneficial to neighborhood.

*Associate Planner Yu:* Responded in the affirmative.

*Commissioner Petersen:* Stated the application is actually more favorable than it might appear.

*Commissioner Marshall:* Questioned to the staff: should it state in one of the findings that the setback is going to be on the neighbors rear setback so we are not just granting a normal 3' setback on a 50' lot.

*Planning Manager Aknin:* Responded that it can be added to the findings.

**Motion to approve Use Permit 05-72 and Minor Modification 06-01 based on Findings of Fact 1-8 and Conditions of Approval 1-12.**

**Sammut/Chase**

VOTE: 7-0  
AYES: All Commissioners Present  
NOES:  
ABSTAIN:

**FINDINGS FOR APPROVAL**

1. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
2. The general appearance of the proposed addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the

design and materials will match the materials found in the immediate neighborhood and the proportions of the house are similar to other houses in the neighborhood.

3. The proposed addition will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood since the proposed structure will remain a single story residence.
4. The construction of the addition is consistent with the San Bruno General Plan, which designates the property for single-family residential purposes.
5. The granting of the Minor Modification will not be detrimental to adjacent property since the structure will create a courtyard in the side yard maintaining open space between the proposed structure and the residence to the east.
6. The granting of the Minor Modification will result in a structure that is in keeping with the general appearance of the neighborhood since there are other properties within the immediate neighborhood with substandard setbacks such as the one proposed, and the subject property contains a 10'-0" wide easement along the west side property line.
7. The off-street parking is adequate for the proposed residence.
8. Property is in the San Bruno Redevelopment Area and the proposed improvements are consistent with the San Bruno Redevelopment Plan.

### **CONDITIONS FOR APPROVAL**

#### **Community Development Department – (650) 616-7074**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 05-72 and Minor Modification 06-01 shall not be valid for any purpose. Use Permit 05-72 and Minor Modification 06-01 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.
3. The request for a Use Permit and Minor Modification for an addition shall be built according to plans approved by the Planning Commission on February 21, 2006, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100

feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.

5. Prior to final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence shall be used only as a single-family residential dwelling unit. No portion of the residence shall be rented out as a secondary residential dwelling unit.
7. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
8. The entire structure shall be stucco finished. Any deviation to the approved finished material shall be approved by the Community Development Director.

**Department of Public Works – (650) 616-7065**

9. Storm water from new and existing roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through a curb drain to the gutter. Drain to landscape allowed.
10. Install a sanitary sewer lateral clean-out at property line per City standards detail SS-01.
11. Paint address number on face of curb near driveway approach. Black lettering on white background.
12. During the Building/Planning Review or site visit, a fence was noted along the front within the City public right-of-way. In accordance with San Bruno City Code Section 8.08.010 and or Section 5.04.070, this structure is prohibited. You are not required to remove it at this time, you need to be aware that it may be located over top of a public utility. If an emergency does arise that requires City or approved contractor crews to access this utility, the City and or contractor, will not be responsible for any cost associated with the removal or repair of the structure.

**Chair Mishra advised of a 10-day appeal period.**

**8. 576 First Avenue**

Request for a Use Permit to allow the construction of an addition to an existing residence which increases the gross floor area by more than 50% per Section 12.200.030.B.1, of the San Bruno Zoning Ordinance. Juan Perez (Applicant / Owner). **UP-05-37**

*Associate Planner Yu entered staff report. Staff would like to point out that the reduced set of plans attached to the staff report are the plans that went to the Architectural review committee and the large set of plans are the revised ones, the changes have been incorporated into the large set of plans.*

Staff recommends approval of Use Permit 05-37 based on Findings of Fact 1-6 and Conditions of Approval 1-14.

*Chair Mishra* asked Commission if there were any questions for staff.

*Commissioner Marshall:* A few years ago there was a proposal for a house to be built on this lot separately. Supposedly the lot was sub divided and there were problems with the parking and the garage has it been combined again.

*Planning Manager Akin:* Responded that it is unusual. There were the two properties with two legal parcels, there was 576, which the existing home is located on, and there was a parcel right next door that an old garage was on. Now this owner owns both parcels. He is expanding his house now without touching the other parcel. Basically the other parcel is no longer going to be buildable if you cannot provide parking for it. It was a different situation than it is now because the applicant is no longer proposing to build a new house.

*Commissioner Marshall:* Questioned that at one time it was the sole ownership between two parcels, they sold the lot off separately, it was subdivided with two separate owners, now the same owner bought the property back?

*Planning Manager Akin:* Responded that it was never subdivided it was always two parcels that was zoned in common ownership.

*Commissioner Marshall:* Questioned do we need to join the 2 parcels?

*Planning Manager Akin:* Responded that since applicant is not crossing the property lines we don't need to join the parcels.

*Commissioner Marshall:* The addition is on the empty lot, correct? This whole addition because the structure in the back there now is on the one time vacant lot.

*Planning Manager Akin:* You are correct. The county merged the lots together. It should have gone through the city, but the county already did that. If they weren't merged together we would have to do that as a condition of approval but the county had already merged them two or three months ago.

*Commissioner Marshall:* Questioned if it is one parcel then?

*Planning Manager Akin:* Answered in the affirmative.

*Chair Mishra* asked the applicant to address the Commission and introduce the project.

*Applicant:* Julio Perez, identified the owner Juan Perez. Stated that they wanted to add a room and a garage.

*Commissioner Johnson:* Questioned if Color samples were available.

*Planning Manager Akin:* Provided to the Commission.

*Commissioner Sammut:* During the ARC meeting, discussed the windows, the window styles and treatments for the house. Thank you for doing the changes you did, for matching the existing. Noticed 2 windows in front have grids, other windows do not. Would like to see at the very least, all the windows in front of the house match. Either they have grids or they don't. Pretty sure that was the topic of discussion at the ARC review. Would any staff want to correct me on this?

*Associate Planner Yu:* Applicant has agreed to make the front windows all the same. The windows do not have grids so the windows in the front will not contain grids.

*Commissioner Petersen:* Noticed that you are building a large addition. The existing conditions are you don't have any garage space. Did you consider making a two-car garage?

*Applicant:* Responded they are only going to make a one-car garage.

Public Comment opened.

Public Comment closed.

*Chair Mishra* asked Commission if there was any discussion.

*Commissioner Petersen:* To staff: During the time applicant visited planning dept. did you ask if they were considering a 2-car garage, since there is so much new structure and so much area from the street?

*Associate Planner Yu:* Responded No, staff did not discuss that option with the applicant.

*Commissioner Chase:* Questioned Item number 14 in public works. Haven't seen this condition before is this something new?

*Planning Manager Akin:* Responded that it has been there for some 6 months. It is reflecting city code, when you increase the square footage by a certain percent, this requirement kicks in. It has been in other reports, but it has to be more than 60%, not sure what the overall percentage is, but it is correlated to percentage.

*Commissioner Chase:* Questioned in the event a 36" box or tree is not planted, and they have to make payment, in lieu of the replacement tree, does the city go out and plant the tree?

*Planning Manager Akin:* Responded that the city places it into a fund so when a tree needs to be planted somewhere in the city we have funds to do that.

*Commissioner Petersen:* To Planning Manager Akin: You brought something to mind there when you used the phrase "Kicks in" part, when I see a structure that about doubles in size and it has 3 bedrooms and 2 baths, it sort of "kicks" my imagination and makes me ask that in an area of the city that seems short on parking, would the Planning Division practice be to ask the applicant to consider a two-car garage?

*Planning Manager Akin:* Responded that we will take that recommendation. Typically we do, it depends on the overall layout this is a bit unusual layout because of the way the county merged the lots and the different elements that were going into this. I think the initial recommendation may have been distracted because of all the different elements but that is a good recommendation when we have these larger additions to go ahead and incorporate even if they don't exceed the 1825 requirement.

*Commissioner Marshall:* It is also a concern because the commission will often urge an applicant to consider a two car garage or note that it is required by the square footage and the intensity of use is what would advocate more off street parking. Here you have three

bedrooms and 2 baths and it brings about an intensity that would warrant it. Here we are asking some people in this city and sometimes we do not.

*Planning Manager Akin:* Responded that for the most part when someone is adding this many bedrooms, we ask. But the way our code is written, the guideline is based on square footage and not the number of bedrooms, but I think it is a good recommendation, so going forward we will look into that and make that recommendation to people coming to our counter.

*Commissioner Marshall:* To Planning Manager Akin. On the same note, for a project like this, a two-car garage would be so easy and probably look better and the homeowner would be happy with it. Anyway, can we put a note in the file that in the future if they come in to add another 400 square feet which brings them over the 1825 which just on paper would look like an easy exception because it is just over the 1825 but at this point it would have been very easy so it is not just a step up, is there a way to do it?

*Planning Manager Akin:* Responded usually the Minutes are included with project. I can also put something with the file noting that.

*Commissioner Marshall:* It seems as a property owner it would be much more beneficial to have a two car garage at this point and time because it will be very difficult later.

**Motion to approve Use Permit 05-37 based on Findings of Fact 1-6 and Conditions of Approval 1-14.**

**Commissioner Chase/Petersen**

**Commissioner Marshall: Comment, urge the applicant that before you do this addition maybe think about a two car garage again and come back to us and we will make it real easy to speed through and I would like to urge you do it even though I will vote to approve it the way it is standing.**

VOTE: 7-0  
 AYES: All Commissioners Present  
 NOES:  
 ABSTAIN:

**FINDINGS FOR APPROVAL**

1. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
2. The general appearance of the proposed addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the materials found in the immediate neighborhood and the proportions of the house are similar to other houses in the neighborhood.
3. Because the proposed addition meets all minimum setback, lot coverage and floor area ratio requirements per the San Bruno Zoning Ordinance, the proposal will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use

of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.

4. The construction of the addition is consistent with the San Bruno General Plan, which designates the property for single-family residential purposes.
5. The off-street parking is adequate for the proposed residence.
6. Property is in the San Bruno Redevelopment Area and the proposed improvements are consistent with the San Bruno Redevelopment Plan.

**CONDITIONS FOR APPROVAL**

**Community Development Department – (650) 616-7074**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 05-37 shall not be valid for any purpose. Use Permit 05-37 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.
3. The request for a Use Permit for an addition shall be built according to plans approved by the Planning Commission on February 21, 2006, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to final inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence shall be used only as a single-family residential dwelling unit. No portion of the residence shall be rented out as a secondary residential dwelling unit.
7. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.

**Public Works Department – (650) 616-7065**

8. No fence, retaining wall, or other permanent structure to be placed within two (2) feet from back of sidewalk. S.B.M.C. 8.08.010
9. Encroachment Permit from Engineering Department required prior to work. S.B.M.C. 8.16.010

10. Install a sanitary sewer lateral clean-out at property line per City standards detail SS-01.
11. Paint address number on face of curb near driveway approach. Black lettering on white background.
12. Remove all broken or raised concrete in sidewalk or driveway approach as marked. Remove existing drive way, replace with new sidewalk curb and gutter. S.B.M.C. 8.12.010
13. Storm water from new and existing roof down-spouts and other on-site drainage, shall be collected and drained to an underground storm water system or through an undersidewalk curb drain to the gutter per City standards detail SI-03. Chapter 11, UPC 1101.1
14. Planting of one (1) 36-inch box size approved tree or payment of \$540.00 each to the in-lieu replacement tree fund. S.B.M.C. 8.24.060

**Chair Mishra advised of a 10-day appeal period.**

#### **9. 2701 Berkshire Drive**

Request for a Use Permit to allow the construction of an addition to an existing residence which exceeds the .541 floor area ratio guideline (for properties with 12% average slope) per Section 12.200.030.B.2 of the San Bruno Zoning Ordinance. JAG Design. (Applicant); Mary and Mazen Musallan (Owners). **UP-05-73**

*Associate Planner Yu* entered staff report.

Staff recommends approval of Use Permit 05-73 based on Findings of Fact 1-5 and Conditions of Approval 1-13.

*Chair Mishra* asked Commission if there were any questions for staff.

None

*Chair Mishra* asked the applicant to address the Commission and introduce the project.

*Applicant:* Mazen Musallan, owner. Identified the applicant Jeff (JAG Designs) as available. Commented that they want to expand the side of the house by pushing it back 12 ½ feet allowing an increase of the master bedroom and an increase in the kitchen-family room area.

*Chair Mishra* asked Commission if there were any questions for applicant.

*Commissioner Sammut:* Commented and thanked the applicant. There were a lot of suggestions during the ARC Meeting. Recalls specifically the bellyband around the building and Thanked applicant for taking care of the suggestions.

*Applicant:* Responded that there was another suggestion that they speak to their neighbors and they did make an effort to talk to their neighbors on both sides and across the street and they have had a chance to meet them and they didn't have any issues. Since they don't live at the property right now it was a great opportunity to meet them.

*Commissioner Sammut:* Commented that there were some misconceptions by neighbors concerning the property.

*Applicant:* Responded that the one neighbor across the street, they talked to their daughter and told her that if there were any issues, to come talk to them. The neighbors on the left and right of us didn't have any issues at all.

*Commissioner Sammut:* Commented that it should be a great improvement to the neighborhood.

*Commissioner Chase:* Commented that he wanted to commend the applicant for the very nice board they provided.

*Commissioner Biasotti:* Commented that he wanted to thank the applicant for the changes incorporated to the floor plans, especially downstairs and taking their suggestions to heart.

Public Comment opened.

Public Comment closed.

Discussion:

*Commissioner Chase:* To Planning Manager Akin: Questioned in regards to the 36" planter box. On the conditions, it says *Planting of one (1) 36-inch box size tree or payment of equal value to tree fund for tree(s) and installation*. Questioned if there is there a reason why one particular department of public works findings has a specific dollar amount and this one here says *equal*.

*Planning Manager Akin:* Responded No, it is from the same section, so either it could say \$540 or this, but it should be kept consistent so it will be noted to change this condition to reflect the one that was on 576 First Avenue. It is the same code.

*Commissioner Johnson:* To staff: Commented that there was a letter from Bill Johnson that she would like to acknowledge publicly. He had some questions and she felt those should be addressed. Like 'who owns the property; the property was renovated prior to being sold' he was asking some questions about construction time frames. Would like to address applicant.

*Commissioner Johnson:* To applicant: Questioned if they got to read those questions in the letter?

*Applicant:* Responded yes. My wife and I are the owners of the property, so that answers the first question. We intend to live in the house as a primary residence that is the second question. Do not plan on renting any portion of the home out; there will be no other families in that house. They took ownership of the property in October. The previous owners bought the property in May of that same year through foreclosure and remodeled without permits and when they sold it, they sold it as is. When we bought it we were looking to expand.

*Commissioner Johnson:* To applicant. Commented that he answered the whole story on here. They are talking about the current views being blocked of sunshine. These were the neighbors at 2681 and 2721. Questioned if there has been any contact with them?

Applicant: Responded that he believes those are the neighbors on the left and right and he has spoken to them.

**Motion to approve Use Permit 05-73 based on Findings of Fact 1-5 and Conditions of Approval 1-13.**

**Sammut/Biasotti**

VOTE: 7-0  
AYES: All Commissioners Present  
NOES:  
ABSTAIN:

**FINDINGS FOR APPROVAL**

1. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
2. The general appearance of the proposed addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the materials found in the immediate neighborhood and the proportions of the house are similar to other houses in the neighborhood.
3. Because the proposed addition meets all minimum setback requirements per the San Bruno Zoning Ordinance, the proposal will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
4. The construction of the addition is consistent with the San Bruno General Plan, which designates the property for single-family residential purposes.
5. The off-street parking is adequate for the proposed residence.

**CONDITIONS FOR APPROVAL**

**Community Development Department – (650) 616-7074**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 05-73 shall not be valid for any purpose. Use Permit 05-73 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.

2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.
3. The request for a Use Permit for an addition shall be built according to plans approved by the Planning Commission on February 21, 2006, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to final inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence shall be used only as a single-family residential dwelling unit. No portion of the residence shall be rented out as a secondary residential dwelling unit.
7. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.

**Department of Public Works – (650) 616-7065**

8. Storm water from new and existing roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through a curb drain to the gutter. Drain to landscape and/or bubble-up 4'-0" behind sidewalk allowed.
9. No fence, retaining wall or other permanent structure shall be placed within 3'-6" from back of the sidewalk.
10. Paint address number on face of curb near driveway approach. Black lettering on white background.
11. Planting of one (1) 36-inch box size tree or payment of equal value to tree fund for tree(s) and installation.
12. A sanitary sewer lateral clean-out shall be installed at property line, per City standards detail SS-01.
13. Remove weeds and grass from sidewalk, curb and gutter. Prune other plantings in the right-of-way. S.B. Municipal Code 8.24.180 and 8.24.140/150.

**Chair Mishra advised of a 10-day appeal period.**

**Biasotti excused himself. He is employed by Lunardis, which is within 500 feet of applicant for Agenda Item #10.**

# **10. 2880/2890 San Bruno Ave**

Request for a General Plan Amendment to change the current designation from Neighborhood/Community Commercial to Medium Density Residential, a Zoning Change request to change the current zoning from Neighborhood Commercial (C-N) to Planned Development (P-D), a Tentative Tract Map for the subdivision of two lots to sixteen lots with common space, and a Planned Development Permit to allow the development of sixteen new town homes, per Chapter 12 of the San Bruno Municipal Code. 2880 San Bruno Ave, LLC., Applicant/Owner, Stanley Panko, Architect **GPA-05-02, ZC-05-03, PDP-05-04, TM 05-02**

*Associate Planner Yu* entered staff report with slide presentation.

Staff recommends to Planning Commission to adopt Resolution 2006-01, recommending that the City Council adopt the Draft Mitigated Negative Declaration; Resolution 2006-02, recommending that the City Council amend the General Plan and Zoning code and approved the Development Plan (GPA 05-02, ZC 05-03); and Resolution 2006-03, recommending that the City Council approve a Planned Development Permit and Tentative Subdivision Map (PD 05-04, TM 05-02).

*Chair Mishra* asked Commission if there were any questions for staff.

*Commissioner Sammut:* Commented that under the existing conditions knowing there was an old service station there; KCE Matrix has been monitoring the sight. Questioned if it was known when all the contaminants will be removed.

*Associate Planner Yu:* Responded that it will have to be removed before the construction of the site begins. However they are still monitoring and most contaminants have been removed. Before any issuance for permits, KCE Matrix needs to certify that the site is in safe condition to be built on.

*Commissioner Sammut:* Questioned, in terms of timing, do we have an approximate date when that will all be cleaned up?

*Planning Manager Akin:* Responded that it understood that it is all cleaned up, but right now they are monitoring it so that it doesn't come back up, it is near completion and it will line in well how this construction schedule is going. The owner has owned the site for over 2 years now and has been waiting for this monitoring process to preside before they went forward with their overall application.

*Commissioner Sammut:* Questioned about the parking situation there, it looks as though each home will have a two-car garage; there are sixteen homes and 8 guest parking spots.

*Associate Planner Yu:* Responded in the affirmative. Commented that the driveways have been designed to accommodate parking. The driveways are deep enough to accommodate for two-car parking.

*Sammut:* Commented that there will be no on-street parking.

*Associate Planner Yu:* Clarified that there will not be parking on the private drive, nor on San Bruno Avenue.

*Sammut:* Questioned if staff felt that parking arrangement was adequate.

*Associate Planner Yu:* Responded in the affirmative, and that it does meet the parking requirements by the city standards.

*Sammut:* Commented that he did not have any questions about the homes themselves, however, the guest parking is questionable.

*Planning Manager Akin:* Responded that overall this is a hybrid between a single-family house and a multi family dwelling. In this case the zoning code for single family calls for two-car garage and a two-car driveway. So in this case they are providing the two-car driveway as well as the two-car garage. Multi family requirements say that you have to provide two parking spaces plus .1 guest parking spaces. So, in this case they are meeting single family home requirement of the two-car garage and driveway and having about a .5 guest space ratio, so it comes out to about 4.5 spaces per unit, which is adequate for a single family and town home development that is isolated like this.

*Commissioner Johnson:* Questions the parking, it might be adequate, but is it realistic? Going back to Shelter Creek, the way it was designed, it is not adequate. I would be interested to know the percentages.

*Planning Manager Akin:* Responded that Shelter Creek has 1.5 spaces per unit. This is triple the amount that Shelter Creek has. Conditions of approvals can be set so that the HOA and CC and R strictly monitor that cars be parked in the two-car garages, that use is for parking and not miscellaneous storage.

*Johnson:* Questioned if these units will have an association.

*Planning Manager Akin:* Answered in the affirmative.

*Commissioner Johnson:* Commented that more regulations could be placed with the association.

*Commissioner Marshall:* Commented on the parking, understands the code but we also have side set backs which make it accessible for parking on the street too then there is no street parking, sees the 8 parking spaces, but took ten minutes to find because basically they are on San Bruno Avenue. It is almost dangerous to park there; I'm guessing these are the guest's spots. The first guest spot is basically San Bruno Avenue, you have to come in there and hang a U-turn there, which is almost impossible to do.

*Planning Manager Akin:* Responded that there is no parking on San Bruno Avenue. Another thing to look at is there is parking along Glenview drive. There will be no homes ever built across the street because that is where the earthquake fault is. It is an area that is isolated that doesn't have an intense sub-division right next to it, that has a shopping center across the street and that will have 4 ½ parking spaces for each unit. Although it doesn't have the street parking that a normal subdivision would have in front of the house,

this is a hybrid between a multi-family and single family home. It is also a lot more isolated than any other single-family development in San Bruno.

*Commissioner Marshall:* Questioned if the Commission would be approving these actual plans tonight or just the concept, how far do we plan on going tonight? Comments the other concern he has is the entrance on San Bruno Ave, basically coming out of it, actually coming out, like the car rental place on San Bruno Avenue, there is no way they can make a left hand turn because the island is being extended. But, if someone is in a hurry cutting the left hand turn is real easy, which would be dangerous. If we could maybe curb the outgoing exit so they would have to practically jump curbs to make a left hand turn there.

*Planning Manager Akin:* Responded that they could definitely put something like that in, the principal engineer is here tonight and can answer any specific questions.

*Commissioner Marshall:* Commented that traffic comes quick down San Bruno Avenue and he admits he would try to make a left hand turn there instead of going all the way around the block.

*Planning Manager Akin:* Responded that you will be able to exit Glenview and make a left there.

*Commissioner Marshall:* Responded yes that is the safe way to do it.

*Chair Mishra* asked the applicant to address the Commission and introduce the project.

*Applicant:* Stan Panko. Pleased to introduce the project. We've been working diligently with staff and planning, building and PW for the last year to bring you a 16 unit development that was worthy of that area and would be very mitigated of all it's environmental impacts and all of it's concerns. Obviously the parking, traffic has always been an issue with us and believes we have come up with a pretty good solution in terms of both on site parking, traffic patterns, circulation in dealing with the overall development and concerns.

Early on we moved buildings back, gave more clearances, listened to public in terms of their concerns, at San Bruno Avenue and Glenview Drive where there are traffic issues. Believe we came up with a plan that is relevant and proud of

*Chair Mishra* asked Commission if there were any questions for Applicant.

*Commissioner Johnson:* Questions the Landscaping. It is freezing cold, high winds and lots of fog. Would like applicant to describe the type of landscaping they are proposing.

*Applicant:* Landscaping is going to be fire and drought resistant. Won't have lush types of landscaping you might have in Hawaii, or places like that. It will certainly be full. We have a landscape architect who does a considerable amount of work for the State of California, deals with very difficult inaccessible conditions for landscaping, and he is addressing those issues.

*Commissioner Johnson:* Responds that the wind makes the landscaping look bare, dried out, weather beaten and full of debris. Wants to make sure that is noted to him. When

you are there you see the wind barriers, and what drought does to other areas, but the wind is another level and what it does to landscaping.

*Applicant:* Responds that is true. Fire resistant plantings though are capable of withstanding a lot of those wind and harsher conditions. Also in the CC and Rs there is going to need to be some explicit maintenance requirements both in terms of windblown trash, etc., as well as just maintenance.

*Commissioner Marshall:* Questioned if the CC and Rs are written.

*Applicant:* Responded that there is a draft submitted to staff

*Commissioner Marshall:* Responded that he has seen projects that are very strict and un-strict, regarding landscaping is the association going to take care of all of the front landscaping.

*Applicant:* Responded in the affirmative.

*Commissioner Marshall:* Questioned if everything was going to be landscaped the same.

*Applicant:* Responded in the affirmative.

*Commissioner Marshall:* Questioned if the painting of the buildings were all going to be through the association.

*Applicant:* Responded in the affirmative. Additionally, everything that can be seen from the street, courtyards, or the private drives is all going to be taken care of by the Association.

*Commissioner Marshall:* Questioned about the parking garages discussed earlier, is that addressed with your Association in your CC and Rs? Mandatory parking in the garages.

*Applicant:* Responded in terms of mandatory parking, does not recall.

*Commissioner Marshall:* Questioned if they have any problems putting that in.

*Applicant:* Responded no, they do not.

*Commissioner Petersen:* Questioned about Parking and guest parking because this is a fairly intense development relevant to an R-1 and he can see people moving here because it looks like a high quality development and possible moving here from larger homes, and they may have a lot of furniture and a lot of boxes and those things often fill up a garage. When this happens cars end up in front of the units or on the street. What provisions will you put in the CC and Rs to make sure the garages are usable?

*Applicant:* Responded that those are some Legal issues, and unable to answer. Obviously we would all like people to park their cars in the garages and have the driveways completely open for guest parking. That may be tough to control in CC and Rs. That is a legal issue that he cannot completely issue

*Planning Manager Akin:* Commented that it could be put within there that the HOA require that the garages are used as garages for the storage of automobiles and not the storage of miscellaneous items and we could put that strictly into a language within the HOA and conditions of approval, so if the HOA isn't enforcing, the city can.

*Commissioner Petersen:* Responded to applicant that the reason he brings it up is a lot of single family residences in San Bruno have garages and don't use them as garages and use them for storage temporarily and that extends for years. When in a single-family neighborhood one has parking on the street, parking on the apron, even that parking is taxed very shortly. In a concentrated area like this it could be a more severe effect.

*Commissioner Petersen:* To Staff. Questioned if the commission wanted to share this concern with council, what would be the appropriate way to do it?

*Planning Manager Akin:* Responded that it would be done within the Resolutions or however you forward it to the City Council you could also add it to the Resolution that you recommend that condition be added.

*Commissioner Petersen:* Responded that it's a tendency when looking at an application to think about the critical comments one might make. He doesn't want to omit the complimentary comments, appears to be high quality development, the work that you've done to try to make it appear attractive not only to the people there, but to the surrounding neighbors, and others driving through, that he is sure that all will appreciate it. Comments that applicant's efforts are very evident.

*Commissioner Marshall:* Questioned about guest parking, any handicap accessible.

*Planning Manager Akin:* Responded that ADA compliant is for commercial locations only.

*Commissioner Chase:* To Planning Manager Akin: Questioned in regards to comment from Commissioner Petersen in regards to storage and miscellaneous items in the garage. How can it be made binding? What constitutes miscellaneous items?

*Planning Manager Akin:* Responded its not storing the miscellaneous items; it's the ability to store 2 cars. It's not going to be an issue if there is not a parking problem. Once a parking problem is created and people are parking within the guest parking because they have items stored in their garage, then that is when the HOA is going to react. If there isn't a parking problem and people have something within their garage, the HOA is not going to act. In this case it is to make sure that 2 cars can be parked in there not necessarily to make sure that furniture is stored in there.

*City Attorney Thompson:* Commented to add to that The HOA can be required to strictly enforce that and has seen HOAs that do that. People who have two-car garages their cars need to be stored in their garages at night and there can be some temporarily guest parking in the driveway or some other sight.

*Chase:* Responded that sounds reasonable to make that type of requirement without getting too specific.

*Commissioner Marshall:* Commented there are some HOAs that require no parking in the driveway and one has to park in the garage. Some are strict and it is enforceable.

*Commissioner Chase:* To Applicant. Questioned in regards to the entrances, both on Glenview and San Bruno Avenue, is there going to be a sign, a signal light or is it going to be gated for the residents to go in an out of.

*Applicant:* Responded standard stop sign, no gates, and a right hand turn sign only.

*Chair Mishra:* To Planning Manager Akin: Questioned if this is coming back to Architectural Review.

*Planning Manager Akin:* Responded No. This is everything in one. They have their plan development, their plan development permit, their tentative map as well as their mitigated negative declaration. It went to Architectural review already.

*Chair Mishra:* Questioned on west elevation building B and east elevation building B, the middle 3 buildings at least two of them have a different pitch, a 12:12, versus a 6:12, was there any thought behind that?

*Applicant:* Responded that you will find that throughout the project, *there* are 6:12, and 12:12 pitches, very distinctively different from one another. The porches as an example are 12:12 pitches, the main roofs are 6 and 12 to help to break up and give some interest to the elevation.

*Chair Mishra:* Responded that when he looks at the north elevation on building B that north elevation and the front elevation doesn't tie together because of the play of 12:12 and 12:6. It is just a personal opinion that is why he's questioned that. It didn't tie in for him, this is just a comment.

*Commissioner Petersen:* To staff. Questioned about previous question regarding the landscaping. In past, substantial applications before the commission where landscaping has been an important feature, after they have been approved it has been a challenge to get the landscaping as it was indicated on the plans. Questioned what type of tool they might put in here to make sure the landscaping is property done and done in a timely basis.

*Planning Manager Akin:* Responded that they came up with a pretty good method for that with the Marisol Development up in Summerhill. In order to get the PG&E tagged, to get gas and electric into the home, one needs the building division signature. In order to have the building division signature one has to have the planning division signature. What staff does on each one of these is go out and final, making sure all landscaping is installed and if not they don't get the signature required to have the resident move in.

*Commissioner Petersen:* Questioned how about maintenance. Sometimes the landscaping is installed, not well maintained, tending to die off.

*Planning Manager Akin:* Responded that he doesn't believe it is as difficult if you have an HOA, when there is a governing body the upkeep is much better. Through the conditions of approval the maintenance is there. Within Marisol it hasn't been an issue because the HOA is there and strictly makes people upkeep their property and if they don't they get a letter from the HOA and a possible fine.

*Commissioner Petersen:* Questioned if the same arrangement is planned here.

*Planning Manager Akin:* Answered in the affirmative.

*Commissioner Petersen:* To Applicant. Commented that an apology may be reasonable in this case. Not suggesting to applicant that this will be a problem, going on an historical basis, better to be safe than disappointed. Sometime the property is taken over by someone who has not even appeared here and has no appreciation of it.

*Applicant:* Responded that he agrees and understands.

*Commissioner Marshall:* Questioned in regards to the elevation, notices most of the exterior materials are going to be great up there, all stucco mold trim and the fences are wrought iron, except you have a couple of wood trellis.

*Applicant:* Responded in the affirmative.

*Commissioner Marshall:* Questioned if they thought of different material besides the wood trellis. Everything wrought iron, stucco which is great for the fog and the wind up there, the wood is not going to last a year. There is new trek style and composite wood materials.

*Applicant:* Responded that it will be pressure treated material.

*Commissioner Marshall:* Responded that the history that was built 15 years ago couldn't handle the elements, they are tearing it down now. Comments that it is made mandatory that there is no wood materials on the outside.

*Planning Manager Akin:* Responded that it could be put in when Commissioner Marshall makes his recommendations to the City Council that that be incorporated.

*Applicant:* To Commissioner Marshall. Questioned if they were proposing no wood at all.

*Commissioner Marshall:* Responded No. Believes that the wood trellis and such so be made out of composite woods or weather resistant material, the plastics.

*Applicant:* Responded that he *understood* and agrees.

Public Comment opened.

Resident of San Bruno, Audrey Schroll, 2640 Crestwood Drive, there 30 years. Wanted to know if it was going to be rental property or for sale. Wanted people to be aware that they have the best public schools, Crestmoor School is wonderful. People buy property in this area just to attend this school.

Public Comment closed.

Discussion:

**Motion to adopt Resolution 2006-01, recommending that the City Council adopt the Draft Mitigated Negative Declaration; Resolution 2006-02, recommending that the City Council amend the General Plan and Zoning code and approved the Development Plan (GPA 05-02, ZC 05-03); and Resolution 2006-03, recommending that the City Council approve a Planned Development Permit and Tentative Subdivision Map (PD 05-04, TM 05-02).**

**Commissioner Johnson/Petersen**

**For 2006-01**

	<u><b>Yes</b></u>	<u><b>No</b></u>	<u><b>Abstain</b></u>
<b>Chair Mishra</b>	<b>X</b>		
<b>Vice Chair Biasotti</b>			<b>X</b>
<b>Commissioner Chase</b>	<b>X</b>		
<b>Commissioner Johnson</b>	<b>X</b>		
<b>Commissioner Marshall</b>	<b>X</b>		
<b>Commissioner Petersen</b>	<b>X</b>		
<b>Commissioner Sammut</b>	<b>X</b>		

VOTE: 6-0  
 AYES: All Commissioners Present  
 NOES:  
 ABSTAIN: Biasotti

**For 2006-02**

	<u><b>Ayes</b></u>	<u><b>No</b></u>	<u><b>Abstain</b></u>
<b>Chair Mishra</b>	<b>X</b>		
<b>Vice Chair Biasotti</b>			<b>X</b>
<b>Commissioner Chase</b>	<b>X</b>		
<b>Commissioner Johnson</b>	<b>X</b>		
<b>Commissioner Marshall</b>	<b>X</b>		
<b>Commissioner Petersen</b>	<b>X</b>		
<b>Commissioner Sammut</b>	<b>X</b>		

VOTE: 6-0  
 AYES: All Commissioners Present  
 NOES:  
 ABSTAIN: Biasotti

**For 2006-03**

**With comments that will be forwarded to the City Council regarding materials, landscaping, parking, and the exits.**

	<u>Ayes</u>	<u>No</u>	<u>Abstain</u>
<b>Chair Mishra</b>	X		
<b>Vice Chair Biasotti</b>			X
<b>Commissioner Chase</b>	X		
<b>Commissioner Johnson</b>	X		
<b>Commissioner Marshall</b>	X		
<b>Commissioner Petersen</b>	X		
<b>Commissioner Sammut</b>	X		

VOTE: 6-0

AYES: All Commissioners Present

NOES:

ABSTAIN: Biasotti

**Item Approved.**

**Chair Mishra advised of a 10-day appeal period.**

**Biasotti Returns**

## **11.City Staff Discussion**

*Planning Manager Akin:* March 16 ARC Meeting volunteers. The Crossing will be on this agenda, 350 condominium units.

Volunteers: Commissioner Biasotti, Commissioner Chase and Chair Mishra.

## **12.Planning Commission Discussion**

*Commissioner Petersen:* Questioned when the General Plan update will be given to the commission

*Planning Manager Akin:* Responded probably June or July. Right now under the final stages, had to re-do some traffic counts because of the EIR. Almost done with draft, have to send it to Airport Land Use committee, they review it for 60 days, then put out the EIR out for 45-day review period.

*Commissioner Johnson:* To Planning Manager Akin. Questioned regarding traffic studies on skyline. There is new development by Lunardi's and Glenview, Summerhill homes and Spyglass. On top of that there is the college and other residents. Still only have 2 lanes. Of course I support the projects, but there is no consideration for skyline and it is really impacted and it creates agitation going to work and coming home. Doesn't feel it is reasonable that we can continue to add projects without paying attention to what steps we can take, understanding it is not a city issue but a Caltrains issue. Is there any plans or discussions about it?

*Planning Manager Akin:* Responded doesn't know of any plans. It is a state highway and scenic corridor. So, those are two things that restrain from expansion of the freeway itself.

The traffic reports do look at the cumulative impact of all these developments and when they do this traffic report for this development, it did look at this development as well as other developments cumulative, however do realize the traffic is backed up. Will look to see if Caltrains has any plans to expand.

*Commissioner Johnson* n: Responded that looking at it is one thing, doing something about it is another. It has become quite aggressive. Requested feedback from Planning Manager Akin.

*Commissioner Johnson*: Commented on the Conflict of Interest. To City Attorney Thompson. Questioned if one is within 500 feet and even though they don't benefit by the project do they still have to recuse themselves? At one time if one benefited more than \$250, then they would have to. Requested clarification.

*City Attorney Thompson*: Responded that there are a number of reasons that could cause a conflict of interest. One of them is if you own property or have a property interest within 500 feet of the applicants proposed project, and Under the Fair Political Practices Act rules it is deemed to be a direct disqualification. There are other kinds of issues that can cause conflicts. Actually 5 or 6 reasons. She offered to prepare an info sheet for you for presentation at our next meeting.

*Commissioner Johnson*: Commented that she thought they would need to benefit more and didn't realize was just being part of management or an employee caused conflict. Thanked City Attorney Thompson for the clarification.

*Commissioner Johnson*: Questioned, regarding the childcare licensing is it licensing that makes the direction first or is it planning that makes it first. We approve something, but we don't know if the licensing bureau, Department of social service has given a license. We may approve something, but they may approve it because we approved it. There isn't clarity.

*Planning Manager Akin*: Responded that usually the state requires the fire department signature that they have gone out there and approved it on their end. Not all cities have the local land use permit for up to 14 children. In this case the Fire department works with the Community Development Department to not sign off on that form until they have the local land use approval. Once we get this approval the fire department signs off on it and then they get their state approvals.

*Commissioner Johnson*: Responded in agreement and understanding. Still have concerns about approving something that could potentially have some conflict.

*Planning Manager Akin*: Responded that Commissioner Johnson is definitely within discretion to make comments to that effect within the Planning Commission Report.

*Commissioner Marshall*: Commented the Commissioners are not suppose to know all the daycare requirements just as if they were approving a restaurant they are not approving the stove that is going in there.

*Planning Manager Akin*: Responded that if you know the law and if you something that could be applied towards the local land use approval, you can make recommendations.

*Commissioner Marshall:* Responded, that they can make recommendations, we are approving a business, we are not approving the structure of the business. If it's a restaurant, we are coming to approve the restaurant, we are not saying if the vent is big enough to handle the stove. That is staff's responsibility.

*Planning Manager Akin:* Acknowledged statement.

*Commissioner Johnson:* Responded she would contact Sharon Howell, the supervisor of Day Care Licensing and would be happy to make contact and follow up to the Commission a report on her findings.

*Planning Manager Akin:* Commented in appreciation.

*Commissioner Biasotti:* Comment to Thank the Commissioners for assisting Mr. & Mrs. Schroll in addressing the Planning Commission.

### **13.Adjournment**

Meeting was adjourned at 8:45 pm

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**Tambri Heyden**

Secretary to the Planning Commission  
City of San Bruno

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**Sujendra Mishra**, Chair

Planning Commission  
City of San Bruno

**NEXT MEETING: March 21, 2006**

TH/ch